

HMPC Ltd

8 Charborough Road
Broadstone
Dorset
BH18 8NE

Office: 01202 690488
Mobile: 07887 772082

Email: haydn.morris@hmpcltd.co.uk

VAT Reg No: 246 5560 93

19th June 2023

Director of Planning
Havant Borough Council
Public Service Plaza,
Civic Centre Road,
Havant,
PO9 2AX

For the attention of Mr S Weaver

Dear Mr Weaver

Application APP/23/00076

Site Management Statements

- a) Noise Management Plan
- b) Visitor Management Plan

Events and gatherings have taken place at the Tournembury Woods Estate for many years. Following a growth in popularity of the venue and the establishment of a sound business with significant environmental and economic benefits, the owner / operator has sought to regularise the activity and bring it under appropriate planning control through a series of planning submissions. Planning application APP/23/00076 is currently before the planning authority for determination.

Wedding and event activities have taken place at TB for over a decade and a half without any credible evidence of either environmental or harm to neighbours. Nonetheless, we have been asked to provide two documents, which contain detailed management measures to be employed during all events at the site. It is proposed these measures are contained within management plans, which are subject to conditions of any planning permission.

These documents will not be unknown to the planning authority, having been prepared for earlier submissions, but reviewed to take account of more recent findings and to ensure the Planning Committee has an appropriate level of confidence the development can take place without risk of harm. We are aware that there has been objection to the proposal from one local body, concerned about potential noise and environmental harm arising, but none of these concerns have been substantiated by evidence. Nevertheless, the concern is recognised and the applicant is keen to ensure any perceived issues do not materialise.

The attached Management Plans should address all concerns raised and the applicant operator will be bound by their provisions. The plans can be subject to conditions of any planning permission, meaning that the provisions contained therein are enforceable.

The VMS now includes an additional "Ecology Plan" as requested by HBC (contained at section 2.6) to provide additional comfort of suitable ecological control and on-going favourable management of the site.

I believe the Plans cover all matters raised by officers and through representations. I accept that the precise wording of the two agreements may require some revision to meet the tests applicable to planning conditions, to avoid misunderstanding and potential misinterpretation. Also, to pick up any final points that may arise as a result of consideration of the proposal by the Council's Planning Committee. We will be very happy to discuss any necessary minor changes with you prior to any permission being issued.

We have provided you with a copy of the draft Heads of Agreement for use of the new access way. These have yet to be finalised although we have not been asked to make any substantive change by the land owner since supplying the draft to you. Currently, discussions are on-going with matters of the contract rather than the Heads of Terms. We hope to be in a position to confirm to the Planning Committee that agreement has been reached.

For the avoidance of doubt, and to answer any potential question that might be raised by the Planning Committee about the ability of the applicant to manage, use and repair the new route, as the land over which it runs will be retained by a third party, we provide the following explanation.

Upon completion and implementation of the agreement between the applicant and owners of Tournbury Farm, the former will become the owner of the new accessway, but not the land over which it runs. This is a situation similar to that of the current access arrangements, because it is intended that the new access route, by means of a private law arrangement, will become a new Right of Way to replace the existing Right of Way that is currently owned by the Applicants in order to access the Tournbury Woods Estate.

Ownership of the Right of Way across land under separate ownership confers on the Applicants (as owners of the Right of Way, not the land) substantial 'Ancillary Rights' to make the way safe for users in their capacity as 'Dominant owners' of the Right of Way. As such, the Applicants may enter the servient land (Tournbury Farm) to undertake such work as is necessary to make the Way safe and suitable for users. This may include works such as resurfacing the Right of Way, clearing vegetation etc. that may hinder access.

It is settled law that there are a number of Ancillary rights to the Right of Way, which would enable the applicants lawfully to make up (as they have done previously and with the current, existing Right of Way) and significantly to improve the surface of the Right of Way or, indeed, to do other works to accommodate vehicular / pedestrian user safety.

I trust the above and attached is clear and acceptable. As I say I am happy to discuss the management plans further if necessary following the Planning Committee discussion, or beforehand if you believe there is any matter omitted.

On a final point, will you please advise how you wish to address the minor matter of nitrates (for this application in respect of the limited camping provision only). We have previously discussed mitigation planting although we have not discussed the precise details.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Haydn Morris', with a stylized, cursive script.

Haydn Morris

For HMPCLtd